

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Del Shea Perry, Trustee for the Heirs and
Next of Kin of Hardel Harrison Sherrell and
Personal Representative for the Estate of
Hardel Harrison Sherrell,

Case No. 19-cv-02580 ECT/LIB

Plaintiff,

vs.

Beltrami County;
MEnD Correctional Care, PLLC;
Sanford Health;
Sanford; Sanford Medical Center Fargo;
Calandra Allen (Jail Administrator),
Andrew Richards (Assistant Jail
Administrator), Edward Busta (Program
Director),
Corrections Sergeant Tyler Carraway,
Corrections Sergeant Anthony Derby,
Corrections Sergeant Mario Scandinato,
Corrections Officer Melissa Bohlmann,
Corrections Officer Jared Davis,
Corrections Officer Dana Demaris,
Corrections Officer Brandon Feldt,
Corrections Officer James Foss,
Corrections Officer Daniel Fredrickson,
Corrections Officer Chase Gallinger,
Corrections Officer Holly Hopple,
Corrections Officer Nicholas Lorsbach,
Corrections Officer Erin Meyer,
Corrections Officer Mitchell Sella,
Corrections Officer Christopher Settle,
Corrections Officer Marlon Smith,
Corrections Officer Jacob Swiggum,
Corrections Officer Joseph Williams,
Beltrami County employees, all in their
individual and official capacities and as

agents/employees of Beltrami County;
Todd Leonard, MD, Crystal Pedersen, RN,
Michelle Skroch, RN, and Madison
Brewster, Health Technician, MEnD
Correctional Care employees, all in their
individual and official capacities and as
agents/employees of MEnD Correctional
Care, PLLC;
Dustin G. Leigh, MD, individually and as
employee/agent of Sanford Health and/or
Sanford and/or Sanford Medical Center
Fargo,

Defendants.

STIPULATION TO AMEND SCHEDULING ORDER

Pursuant to F.R.C.P. 16(b)(4) and Local Rule 16.3, Plaintiff and Defendants,
by and through undersigned counsel, stipulate and jointly move the Court to
amend the Pretrial Scheduling Order for good cause.

1. Good cause for the proposed modification:

The parties have conducted extensive written discovery in this case and have exchanged numerous rounds of interrogatories and requests for production of documents. As of today's date, written discovery in this case exceeds 15,000 pages of records and contains voluminous other data such as video recordings, audio recordings, photographs, etc. Plaintiff has taken 8 party depositions and intends to continue with additional depositions in the near future and has also identified six experts and has produced six expert reports. Defendants intend to conduct depositions before the close of discovery and will also be submitting expert disclosures in compliance with the Court's scheduling order. The parties have encountered some difficulty in coordinating depositions due to the COVID-19 pandemic and various scheduling conflicts. The conflicts include general

availability of counsel, as well as Plaintiff counsel's calendar filling up with back-to-back state court criminal trials for several months in a row.

In addition to scheduling conflicts, the parties would like to modify the general structure of the current scheduling order such that fact and expert discovery is staggered instead of overlapping as it is structured now under the current scheduling order. This is a complex wrongful death case with multiple experts. As of today's date, Plaintiff has identified six experts and has produced six expert reports and intends to designate additional expert witnesses as well. Defendants also expect to designate expert witnesses in this case. The parties, after meeting and conferring about these issues, are in agreement that it would be to the benefit of the parties and the Court to allow time for expert disclosures and discovery after completion of fact discovery. This would help ensure that the parties' experts are not submitting multiple supplemental reports as fact discovery continues to develop. This would also help ensure that the case can stay on track without the need for additional extensions to allow for more time for expert discovery.

Based on the above, as well as the complexity and the needs of the case, the parties believe good cause exists to extend fact discovery by 30 days and adjust the expert disclosure and discovery deadlines such that remaining expert disclosures and discovery can be completed after fact discovery is closed.

2. The proposed modification's effect on any deadlines:

The deadlines set in the Amended Pretrial Scheduling Order (#52) need to be extended as follows:

Close of fact discovery:	December 1, 2021
Plaintiff's expert reports and disclosures:	February 1, 2022
Defendants' expert reports and disclosures:	April 1, 2022
Close of expert discovery:	May 15, 2022
Non-dispositive motions:	June 1, 2022

Dispositive motions:

August 1, 2022

Settlement conference:

Some time in October, 2022

Trial ready:

December 1, 2022

The parties respectfully submit that the above constitutes good cause to modify the present scheduling order as requested by the parties.

So stipulated and jointly moved:

IVERSON REUVERS

Dated: July 9, 2021

By s/Stephanie A. Angolkar
Jason M. Hiveley, #311546
Stephanie A. Angolkar, #388336
Aaron M. Bostrom, #401773
9321 Ensign Avenue South
Bloomington, MN 55438
(952) 548-7200
jasonh@iversonlaw.com
stephanie@iversonlaw.com
aaron@iversonlaw.com
*Attorneys for Defendants Beltrami
County, Calandra Allen, Andrew
Richards, Edward Busta, Tyler
Carraway, Anthony Derby, Mario
Scandinato, Melissa Bohlmann,
Jared Davis, Dana Demaris, Brandon
Feldt, James Foss, Daniel
Fredrickson, Chase Gallinger, Holly
Hopple, Nicholas Lorsbach, Erin
Meyer, Mitchell Sella, Christopher
Settle, Marlon Smith, Jacob
Swiggum, Joseph Williams*

Dated: July 9, 2021

/s/ Peter W. Zuger

Peter W. Zuger (ND #06282)
SERKLAND LAW FIRM
10 Roberts St. N. | PO Box 6017
Fargo, ND 58108-6017
Phone: (701) 232-8957
Fax: (701) 237-4049
pzuger@serklandlaw.com
*Attorneys for Sanford Health,
Sanford, Sanford Medical Center and
Dustin G. Leigh, MD*

Date: July 9, 2021

/s/ Anthony J. Novak

Anthony J. Novak (#0351106)
Carolyn J. Nearing (#0291791)
LARSON • KING, LLP
30 East Seventh Street, Ste. 2800
Saint Paul, MN 55101
(651) 312-6500 | Fax: (651) 312-6618
tnovak@larsonking.com
cnearing@larsonking.com
bprowant@larsonking.com
Attorneys for the MEnD Defendants

Dated: July 9, 2021

By: s/ Zorislav R. Leyderman
ZORISLAV R. LEYDERMAN
Attorney License No. 0391286
Attorney for Plaintiff
Law Office of Zorislav Leyderman
222 South 9th Street, Suite 1600
Minneapolis, MN 55402
Tel: (612) 876-6626
Email: zrl@ZRLlaw.com